

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG DIVISION

THOMAS A. PAYNE,
Plaintiff,

v.

JUDGMENT IN A CIVIL CASE

Case Number: 1:05-CV-165

COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED as follows:

The Court **ADOPTS** the Report and Recommendation in its entirety and **ORDERS** this civil action be disposed of in accordance with that recommendation. Accordingly,

1. The plaintiff's motion for Summary Judgment is **GRANTED-IN-PART**;
2. The defendant's motion for Summary Judgment is **DENIED**;
3. The plaintiff's claim is **REMANDED** to the Commissioner; and
4. This civil action is **DISMISSED WITH PREJUDICE** and **RETIRED** from the Court's docket.

WALLY EDGELL, Ph.D., Clerk

By K. Denny
Deputy Clerk

March 20, 2007